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Due Date: November 24, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David W. Kelleher	Examiner:	Khawar Iqbal
Serial No.:	09/689,245	Group Art Unit:	2617
Filed:	October 11, 2000	Docket:	G&C 139.142-US-U1
Title:	METHOD AND APPARATUS FOR CELLULAR INSTANT MESSAGING		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited by facsimile transmission with the United States Patent and Trademark Office on September 26, 2005.

By: 

Name: Kathleen Krochko

NOTICE OF APPEAL FROM THE EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 41.31, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the final rejection of claims 1, 3-11, 13, 15, 17, 19-25, 27, 29, 31, 33-39, 41, 43, 45, 47, 49, 51, 53 and 61-66 of the above-identified application, as set forth in the Office Action mailed August 24, 2007.

Please charge the amount of \$10.00 to Deposit Account No. 50-0494 to cover the Patent Office fee increase only for filing this Notice of Appeal as set forth under 37 C.F.R. § 41.20(b). The initial Appeal fee of \$500.00 was paid on March 28, 2007.

Adjustment date: 11/27/2007 SSITHIB1  
03/28/2007 INTEFSW 00002115 500494 09689245  
02 FC:1401 500.00 CR

11/27/2007 SSITHIB1 00000061 500494 09689245  
01 FC:1401 510.00 DA

1

G&amp;C 139.142-US-U1

Please charge any additional fees or credit any overpayment to Gates & Cooper LLP, Deposit Account No. 50-0494.

Respectfully submitted,

David W. Kelleher

By their attorneys,

GATES & COOPER LLP  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045  
(310) 641-8797

Date: November 26, 2007

JSF/kmk

By: 

Jason S. Feldmar

Reg. No.: 39,187

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**Gates & Cooper** LLPHoward Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, California 90045**FAX TRANSMISSION TO USPTO**TO: Commissioner for Patents  
Attn: Examiner Khawar Iqbal  
Patent Examining Corps  
Facsimile Center  
Alexandria, VA 22313-1450FROM: George H. Gates  
OUR REF.: G&C 139.142-US-U1  
TELEPHONE: (310) 642-4146

Total pages, including cover letter: 5

PTO FAX NUMBER: 571-273-8300

If you do NOT receive all of the pages, please telephone us at (310) 641-8797, or fax us at (310) 641-8798.

Title of Document Transmitted:	TRANSMITTAL DOCUMENTS (2) AND NOTICE OF APPEAL
Applicant:	David W. Kelleher
Serial No.:	09/689,245
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Our Ref. No.:	G&C 139.142-US-U1

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By: \_\_\_\_\_

Name: Jason S. Feldmar  
Reg. No.: 39,187

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Name: Kathleen Krochko

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet, in duplicate, containing a Certificate of Mailing or Transmission under 37 CFR 1.8.
- ☒ Notice of Appeal.
- ☒ Charge the increase fee for the Notice of Appeal in the amount of \$10.00 to the Deposit Account.

Please consider this a **PETITION FOR EXTENSION OF TIME** for a sufficient number of months to enter these papers, if appropriate.

Please charge all fees to Deposit Account No. 50-0494 of Gates &amp; Cooper LLP. A duplicate of this paper is enclosed.

Customer Number 22462  
**GATES & COOPER LLP**  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045  
(310) 641-8797

By: 

Name: Jason S. Feldmar

Reg. No.: 39,187

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